

1700 G Street NW,  
Washington, DC 20552

March 13, 2019

**Via ECF**

The Honorable Thomas I. Vanaskie, Special Master  
U.S. District Court, Middle District of Pennsylvania  
William J. Nealon Federal Bldg. & U.S. Courthouse  
235 N. Washington Avenue  
Scranton, PA 18503



Re: *CFPB v. Navient Corp., et al.*, Case No. 3:17-CV-00101-RDM

Dear Judge Vanaskie:

I write on behalf of Plaintiff Consumer Financial Protection Bureau (“Bureau”) regarding the documents referenced in agenda item nos. 6 and 7 of Special Master Order #12 (Doc. 242). In response to Your Honor’s instruction at the March 5, 2019 status conference that the Bureau re-examine its assertion of the deliberative process privilege over those documents and consider whether they should be produced, the Bureau states that it is no longer asserting the deliberative process privilege over these documents and will produce them to Defendants.<sup>1</sup> By producing these documents, the Bureau is not waiving, and expressly reserves, any objections to the relevance or materiality of the documents.

The Bureau continues to assert the attorney-client privilege over a portion of the document bearing Bates number CFPB-NAV-0057126 in Category 83. The privilege category description for Category 83 from the Bureau’s August 31, 2018 privilege log is included at Appendix A of this letter. Specifically, the Bureau asserts the attorney-client privilege over the top email in the email chain. That email is a confidential communication from an attorney in the Bureau’s Legal Division to attorneys in the Office of Supervision Policy and the Office of the Director and personnel in the Office for Students and the External Affairs Division for the purpose of providing legal assistance regarding the drafting of the July 20, 2016 Memorandum from Ted Mitchell to James Runcie regarding “Policy Direction on Federal Student Loan Servicing.” The Bureau is not asserting attorney-client privilege over the second and third emails in the chain, and will produce those emails to Defendants in unredacted form.

If Your Honor has any questions regarding the above, the Bureau would welcome the opportunity to address such questions at a forthcoming teleconference or in writing.

Respectfully submitted,  
/s/ Manuel Arreaza

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<sup>1</sup> As Your Honor informed the parties during the March 5, 2019 status conference, the documents referenced in agenda item no. 6 of Special Master Order #12 include the documents bearing the following Bates numbers: CFBP-NAV-0056812, CFBP-NAV-0056823, CFBP-NAV-0056835, CFBP-NAV-0056844, CFBP-NAV-0056853, CFBP-NAV-0056874, and CFBP-NAV-0056763. The documents referenced in agenda item no. 7 are identified by Bates number in Special Master Order #12, except that the Bates number for the final document listed in agenda item no. 7 has been corrected to CFPB-NAV-0056674, reflecting the clarification made during the March 5, 2019 status conference. *See* Tr. of March 5, 2019 status conference at 14:2-8; 17:24-18:3.

**APPENDIX A**

**Category 83**

Description: Confidential communications involving attorneys in the Bureau's Legal Division and/or Bureau's Office of Supervision for the purpose of obtaining or providing legal advice regarding the drafting of the July 20, 2016 Memorandum from Ted Mitchell to James Runcie regarding "Policy Direction on Federal Student Loan Servicing"; attached drafts of the memorandum reflect such legal advice provided by attorneys in the Bureau's Legal Division and/or Bureau's Office of Supervision Policy.

Privileges: Attorney-Client Privilege